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TO: Suhani Group Art Unit 2643
USPTO

FAX: (703) 872-9306

FROM: James E. Harris
Registration No. 40,013

Date: September 21, 2004

Re: Attorney Do. No. 1420-2 – Response to Notice of Abandonment

Number of pages (including this one): 8

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REMARKS:

In re application of: David William House	Confirmation No.	1290
Serial No.	Examiner:	Suhani Ni
09/478,136		
Filed:	Group Art Unit:	2643
January 5, 2000		
For:	COCHLEAR IMPLANTS WITH A STIMULUS IN THE HUMAN ULTRASONIC RANGE AND METHOD FOR STIMULATING A COCHLEA	

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PATENT APPLICATION
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of: David William House

SEP 21 2004

Serial No.	09/478,136	Examiner:	Suhan Ni
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Confirm. No. 1290

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

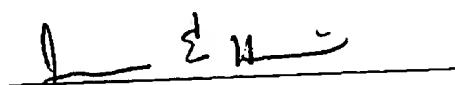
Enclosed for filing in the above-referenced application are the following:

- Request to Withdraw the Holding of Abandonment
- Exhibits A, B, and C (Copies)
- Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
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503-222-3613

I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
1-703-872-9306, on September 21, 2004.

Signature

Lauren Ballard-Gemmell

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PATENT APPLICATION
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of: David William House

Serial No. 09/478,136

Group No. 2643

Filed: January 5, 2000

Examiner: Suhan Ni

Title: COCHLEAR IMPLANTS WITH STIMULUS IN THE HUMAN
ULTRASONIC RANGE AND METHOD FOR STIMULATING A
COCHLEA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT

Applicant received a Notice of Abandonment dated September 7, 2004, reciting a failure to file a timely reply to the Office letter of November 4, 2003, for the referenced application. Applicant contends the Notice of Abandonment was issued in error, and provides the following exhibits in support of the assertion the Applicant's filed reply was misplaced while under the control of the U.S. Patent and Trademark Office.

The U.S.P.T.O. generated Auto-Reply (Exhibit A), confirmation of facsimile receipt for a two page transmission from the Applicant as Fax Sender on November 21, 2003.

Applicant's facsimile report (Exhibit B), showing the transmission of two pages to the U.S.P.T.O. central telephone number and date of November 21, 2003.

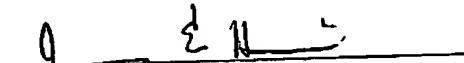
Applicant's Response to Restriction Requirement (Exhibit C, pages 1 and 2), as filed, with a signed certificate of facsimile dated November 21, 2003.

In view of the Exhibits presented, the Applicant respectfully requests the holding of abandonment be withdrawn, and the November 21, 2003, Restriction Requirement be entered, therefore, allowing the application to proceed with examination.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

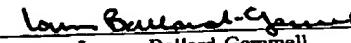
Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James E. Harris
Reg. No. 40,013

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1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

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Date: September 21, 2004


Lauren Ballard-Gemmell

11/21/2003 4:44 PM PAGE 1/001 Fax Server

USPTO
Auto-reply fax to 5032744622 COMPANY:

EXHIBIT A

Auto-Reply Facsimile Transmission



TO: Fax Sender at 5032744622

Fax Information
Date Received:
Total Pages:11/21/2003 4:42:29 PM [Eastern Standard Time]
2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

11/21/03 14:40 FAX 5032744622	MARGER JOHNSON McCOLLOM	001
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1000 SW MORRISON STREET PORTLAND, OREGON 97205 USA (503) 222-3813 FAX: (503) 274-4023 http://www.mjnlaw.com		
TO:	Suhem NJ Group Art Unit 2643	
FAX:	(703) 872-9306	
FROM:	James E. Hants Registration No. 40,013	
Date:	November 21, 2003	
Re:	Attorney Do. No. 1420-2 Response to Restriction Requirement	
Number of pages (including this one): 2		
In case of error in transmission, call: (503) 222-3613		
REMARKS:		
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Serial No.	09/478,136	Examiner: Suhem NJ
Filed:	January 5, 2000	Group Art Unit: 2643
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EXHIBIT A

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EXHIBIT B

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2021
CONNECTION TEL	pp17038729306ppp1420
SUBADDRESS	
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ST. TIME	11/21 14:40
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RESULT	OK

EXHIBIT B

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EXHIBIT C
PAGE 1**MARGER JOHNSON & McCOLLOM**
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TECHNOLOGY LICENSING & LITIGATION1030 SW MORRISON STREET
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EXHIBIT C
PAGE 1

COPY